

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY COLBURN, AMY COLBURN,  
GAMAL ABDELAZIZ, DIANE BLAKE,  
TODD BLAKE, I-HSIN CHEN,  
MOSSIMO GIANNULLI, ELISABETH  
KIMMEL, LORI LOUGHLIN, WILLIAM  
MCGLASHAN, JR., MARCI PALATELLA,  
JOHN WILSON, HOMAYOUN ZADEH,  
ROBERT ZANGRILLO,

Defendants.

)  
)  
)  
)  
)  
)  
)  
) Criminal Action  
) Nos. 1:19-cr-10080-NMG  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

BEFORE THE HONORABLE M. PAGE KELLEY  
UNITED STATES MAGISTRATE JUDGE

STATUS CONFERENCE  
VIA TELEPHONE

May 5, 2020  
11:06 a.m.

John J. Moakley United States Courthouse  
One Courthouse Way  
Boston, Massachusetts 02210

Linda Walsh, RPR, CRR  
Official Court Reporter  
John J. Moakley United States Courthouse  
One Courthouse Way, Room 5205  
Boston, Massachusetts 02210  
lwalshsteno@gmail.com

## 1 APPEARANCES:

2 On Behalf of the Government:

3 UNITED STATES ATTORNEY'S OFFICE  
4 By: AUSA Eric S. Rosen  
5 One Courthouse Way  
6 Boston, Massachusetts 02210  
7 617-748-3412  
8 eric.rosen@usdoj.gov

9 On Behalf of the Defendants Gregory Colburn and Amy Colburn:

10 HOOPER, LUNDY & BOOKMAN, P.C.  
11 By: David S. Schumacher, Esq.  
12 470 Atlantic Avenue, Suite 1201  
13 Boston, Massachusetts 02210  
14 617-532-2704  
15 dschumacher@health-law.com

16 HOOPER, LUNDY & BOOKMAN, PC  
17 Patric Hooper, Esq.  
18 1875 Century Park East, Suite 1600  
19 Los Angeles, California 90067  
20 310-551-8165  
21 phooper@health-law.com

22 On Behalf of the Defendant Gamal Abdelaziz:

23 NIXON PEABODY LLP  
24 By: Brian T. Kelly, Esq.  
25 Joshua C.H. Sharp, Esq.  
100 Summer Street  
Boston, Massachusetts 02110  
617-345-1000  
bkelly@nixonpeabody.com  
617-345-1135  
jsharp@nixonpeabody.com

26 (Appearances continued on the next page.)

## 1 APPEARANCES (Continued):

2 On Behalf of the Defendants Diane Blake and Todd Blake:

3 TODD &amp; WELD

4 By: David E. Meier, Esq.

5 One Federal Street, 27th Floor

6 Boston, Massachusetts 02110

7 617-720-2626

8 dmeier@toddweld.com

9 DUANE MORRIS LLP

10 By: Stephen H. Sutro, Esq.

11 Spear Tower

12 One Market Plaza, Suite 2200

13 San Francisco, California 94105-1127

14 415-957-3000

15 shsutro@duanemorris.com

16 On Behalf of the Defendant I-Hsin Chen:

17 KELLER/ANDERLE LLP

18 By: Reuben Camper Cahn, Esq.

19 18300 Von Karman Avenue, Suite 930

20 Irvine, California 92612

21 949-476-8700

22 rcahn@kelleranderle.com

23 On Behalf of the Defendant Mossimo Giannulli and Lori Loughlin:

24 DONNELLY, CONROY &amp; GELHAAR, LLP

25 By: George W. Vien, Esq.

26 260 Franklin Street

27 Boston, Massachusetts 02110

28 617-720-2880

29 gwv@dcglaw.com

30 LATHAM &amp; WATKINS LLP

31 By: William J. Trach, Esq.

32 John Hancock Tower, 27th Floor

33 200 Clarendon Street

34 Boston, Massachusetts 02116

35 617-880-4514

36 william.trach@lw.com

37 (Appearances continued on the next page.)

1 APPEARANCES (Continued):

2 On Behalf of the Defendant Mossimo Giannulli and Lori Loughlin  
(Continued):

3 LATHAM & WATKINS LLP  
4 By: Sean M. Berkowitz, Esq.  
330 North Wabash Avenue, Suite 2800  
5 Chicago, Illinois 60611  
312-777-7016  
6 sean.berkowitz@lw.com

7 On Behalf of the Defendant Elisabeth Kimmel:

8 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, PC  
By: Eoin P. Beirne, Esq.  
9 Cory S. Flashner, Esq.  
One Financial Center, 42nd Floor  
10 Boston, Massachusetts 02111  
617-348-1707  
11 ebeirne@mintz.com  
csflashner@mintz.com

12 On Behalf of the Defendant William McGlashan, Jr.:

13 HUESTON HENNIGAN  
14 By: John C. Hueston, Esq.  
620 Newport Center Drive, Suite 1300  
15 Newport Beach, California 90014  
949-226-6740  
16 jhueston@hueston.com

17 SIDLEY AUSTIN LLP  
By: Jack W. Pirozzolo, Esq.  
18 60 State Street, 34th Floor  
Boston, Massachusetts 02109  
19 617-223-0304  
jpirozzolo@sidley.com

20 On Behalf of the Defendant Marci Palatella:

21 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
22 By: Michael K. Loucks, Esq.  
500 Boylston Street  
23 Boston, Massachusetts 02116  
617-573-4840  
24 michael.loucks@skadden.com

25 (Appearances continued on the next page.)

1 APPEARANCES (Continued):

2 On Behalf of the Defendant John Wilson:

3 WHITE & CASE, LLP  
4 By: Michael Kendall, Esq.  
5 Yakov Malkiel, Esq.  
6 75 State Street  
7 Boston, Massachusetts 02109  
8 617-939-9310  
9 michael.kendall@whitecase.com  
10 617-407-0117  
11 yakov.malkiel@whitecase.com

12 WHITE & CASE LLP  
13 By: Andrew E. Tomback, Esq.  
14 1221 Avenue of the Americas  
15 New York, New York 10020  
16 212-819-8428  
17 andrew.tomback@whitecase.com

18 On Behalf of the Defendant Homayoun Zadeh:

19 MINER ORKAND SIDDALL LLP  
20 By: Tracy A. Miner, Esq.  
21 470 Atlantic Avenue, 4th Floor  
22 Boston, Massachusetts 02210  
23 617-273-8421  
24 tminer@mosllp.com

25 On Behalf of the Defendant Robert Zangrillo:

MARTIN G. WEINBERG, PC  
By: Martin G. Weinberg, Esq.  
20 Park Plaza, Suite 1000  
Boston, Massachusetts 02116  
617-227-3700  
owlmcb@att.net

Proceedings reported and produced  
by computer-aided stenography.

## P R O C E E D I N G S

THE CLERK: Okay. It looks like we have everyone here.

So I am going to just read a warning that I need to read for having this by telephone.

So persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting the court proceedings. Violations of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, or denial of entry to future hearings, and such other sanctions, including contempt of court, as may deemed appropriate or necessary by the Court.

So we are going to have this recorded by a court reporter. So if you are going to address the Court, I just ask if you could state your name for the record before you speak, just so we have a clear record of who is speaking each time. And if at all possible, if everyone could just mute themselves just so we don't have the background noise.

And, like I said, when I call the case, I'm just going to go through each defendant to have everyone state their name on the record, just to make it easier that way. So we'll get started momentarily.

Thank you all for being able to appear by phone. I appreciate it.

1 (Court enters.)

2 THE COURT: Hi. This is Judge Kelley.

3 THE CLERK: Hi, Judge Kelley.

4 So it's Kellyann. I'm going to call the case and  
5 we'll get started. Okay?

6 THE COURT: Okay. Thank you very much.

7 THE CLERK: Of course.

8 Today is Tuesday, May 5th, 2020, and we are on the  
9 record in Criminal Case Number 19-10080, the *United States*  
10 *versus David Sidoo, et al.*

11 Would counsel for the government please identify  
12 themselves for the record.

13 MR. ROSEN: Good morning, Your Honor. Eric Rosen for  
14 the government.

15 THE CLERK: And would counsel for Gregory Colburn and  
16 Amy Colburn please identify themselves for the record.

17 MR. SCHUMACHER: Hi. David Schumacher, along with Pat  
18 Hooper, for the Colburns.

19 THE CLERK: And would counsel for Gamal Abdelaziz  
20 please identify themselves for the record.

21 MR. KELLY: Yes. Good morning. Brian Kelly and Josh  
22 Sharp for Mr. Abdelaziz.

23 THE CLERK: Counsel for Diane Blake and Todd Blake.

24 MR. MEIER: Good morning. David Meier and Stephen  
25 Sutro for Diane and Todd Blake.

1 THE CLERK: And counsel for I-Hsin Chen.

2 MR. CAHN: Good morning. Reuben Cahn on behalf of  
3 Mr. Chen.

4 THE CLERK: And counsel for Mossimo Giannulli and Lori  
5 Loughlin.

6 MR. TRACH: Hi, Your Honor. BJ Trach from Latham &  
7 Watkins, along with Sean Berkowitz and George Vien.

8 THE CLERK: And counsel for Elisabeth Kimmel.

9 MR. FLASHNER: Good morning, Your Honor. Cory  
10 Flashner and Eoin Beirne from Mintz Levin on behalf of  
11 Elisabeth Kimmel.

12 THE CLERK: Counsel for William McGlashan, Jr.

13 MR. HUESTON: Good morning, Your Honor. John Hueston  
14 and Jack Pirozzolo for William McGlashan.

15 THE CLERK: And counsel for Marci Palatella.

16 MR. LOUCKS: Good morning. Mike Loucks here for Marci  
17 Palatella.

18 THE CLERK: And counsel for John Wilson.

19 MR. KENDALL: Good morning, Your Honor. I'm Mike  
20 Kendall, and along with me is Yakov Malkiel and Andy Tomback.

21 THE CLERK: And counsel for Homayoun Zadeh.

22 MS. MINER: Tracy Miner for Dr. Zadeh.

23 THE CLERK: And counsel for Robert Zangrillo.

24 MR. WEINBERG: Martin Weinberg for Mr. Zangrillo.

25 Good morning, Judge.



1 THE COURT: Okay. So good morning, everyone.

2 And I'd just ask you if you're not speaking to mute  
3 your phone, if you're able to do that.

4 I've got the parties' final status report, which is  
5 Document 1140 on the docket. Thank you very much. That is  
6 very helpful.

7 And, as you know, this is the final status conference.  
8 The case, per Judge Gorton's order, will now go up to the  
9 District Court. I'll just inform counsel that if you file  
10 motions for discovery or other motions that would typically be  
11 handled by a magistrate judge, Judge Gorton may well refer them  
12 back to me, but that will be obviously at his prerogative.

13 So with regard to the final status report, I'm going  
14 to just ask the government, did the May 5th production that you  
15 talk about in Part A there happen? Has that been completed?

16 MR. ROSEN: Your Honor, this is Eric Rosen. It's  
17 going out today. They should -- part of it will be uploaded to  
18 USA effective today, and the rest will be FedExed out so  
19 they'll have it, I guess, first thing in the morning.

20 THE COURT: Okay. And I understand that the parties,  
21 once they get that, according to the joint final status report  
22 and also according to common sense, may have some additional  
23 discovery requests. And I'll just ask the parties to confer  
24 with the government and make a good effort to resolve those  
25 before you file further discovery motions.

1           And per Judge Gorton's order, defendants are to file  
2           any remaining discovery motions by May 22nd, and the government  
3           will have until June 5th to respond.

4           Okay. So any comments from anyone about the status of  
5           the discovery?

6           (No response.)

7           THE COURT: No comments. Okay.

8           And I noticed that the defendants have agreed to  
9           provide reciprocal discovery on or before July 17th. So I'm  
10          going to put that in my order.

11          So I think Mr. Abdelaziz's motion on the docket, the  
12          latest motion to compel so-called privileged materials  
13          pertaining to Mr. Singer is moot.

14          And is that correct? I'll just ask Mr. Abdelaziz's  
15          counsel.

16          MR. KELLY: Yes, Your Honor. They've indicated they  
17          would provide those materials. And assuming they do, it would  
18          be moot. And if they don't, we'll comply with the 5/22  
19          deadline as well.

20          THE COURT: All right. Just for the record, that's  
21          Brian Kelly.

22          MR. KELLY: Yes. I'm sorry. Brian Kelly, yes.

23          THE COURT: So I don't really see any other particular  
24          matters in the joint status report. Anything else from anyone?  
25          I'm happy to hear from you.

1 MR. WEINBERG: Judge, Martin Weinberg. When I drafted  
2 this report with Mr. Rosen, I mistakenly put May 25 as a date  
3 for filing responses to the government's opposition to the  
4 omnibus motions to dismiss. That's a Sunday. So I would ask  
5 the Court in its discretion to change that to May 26th.

6 THE COURT: Sure. No problem. Okay. I'll do that.

7 And what else?

8 (No response.)

9 THE COURT: Okay. Well, if there's nothing else, I'm  
10 going to exclude the time until the July pretrial conference  
11 before Judge Gorton.

12 I will just tell the parties, you know, the Court --  
13 if you're not on mute, could you put yourself on mute, please.

14 But I will just tell the parties, the Court is working  
15 on reopening, and we're obviously not there yet. I mean, we've  
16 never actually really closed, but we're not having trials now,  
17 as you know. But I think at this time, the hope is that by the  
18 trial date in this case, we would be having trials. So  
19 obviously we'll try to keep you and everyone else informed  
20 about that as the summer goes on.

21 Okay. Anything else from anyone?

22 (No response.)

23 THE COURT: All right. So I think that's it for  
24 today. And thank you very much, everyone.

25 (Adjourned at 11:16 a.m.)

1 CERTIFICATE OF OFFICIAL REPORTER

2  
3 I, Linda Walsh, Registered Professional Reporter  
4 and Certified Realtime Reporter, in and for the United States  
5 District Court for the District of Massachusetts, do hereby  
6 certify that the foregoing transcript is a true and correct  
7 transcript of the stenographically reported proceedings held in  
8 the above-entitled matter, to the best of my skill and ability.

9 Dated this 5th day of May, 2020.

10  
11  
12 /s/ Linda Walsh

13 Linda Walsh, RPR, CRR

14 Official Court Reporter  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25